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IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE DISTRICT OF ARIZONA

In re:

ERIC WEISS,

Debtor.

Case No. 2:10-bk-27248-SSC

Chapter 13 Proceedings

**AMENDED¹ NOTICE OF FILING
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Kirsten L. Weiss (“Ms. Weiss”), by and through her undersigned counsel, hereby gives notice of filing her *Motion For Relief From Automatic Stay*. The Motion requests an Order granting relief from the automatic stay so that Ms. Weiss can continue prosecuting her Petition for Dissolution of Marriage against Debtor Eric Weiss (“Debtor”) currently pending in the Superior Court of the State of Arizona, In and For the County of Maricopa (Case No. FC 2009-006649).

A copy of the Motion is on file with the Office of the Clerk of the United States Bankruptcy Court at the address shown below and is available for public inspection during business hours.

¹ Amended to correct assigned bankruptcy judge.

1 Any and all objections to the Motion must be made in writing, with the original
2 thereof filed under the above case caption, to:

3 Office of the Clerk
4 United States Bankruptcy Court
5 230 North First Avenue
6 Phoenix, Arizona 85003

7 with a copy of the written objection served that same day upon the attorneys for Kirsten
8 L. Weiss whose names and address are:

9 Leonard J. Mark
10 J. Daryl Dorsey
11 Tiffany & Bosco, P.A.
12 Third Floor Camelback Esplanade II
13 2525 East Camelback Road
14 Phoenix, Arizona 85016-4237

15 If no objections are properly filed and served within **14 days** from the date of this
16 Notice, the Court may enter its Order granting the relief sought in the Motion without any
17 further hearings in this matter. Movant's proposed form of Order is attached hereto as
18 **Exhibit "1"**.

19 **RESPECTFULLY SUBMITTED** this 16th day of November, 2010.

20 TIFFANY & BOSCO, P.A.

21 By: /s/ J. Daryl Dorsey # 024237

22 Leonard J. Mark
23 J. Daryl Dorsey
24 Third Floor Camelback Esplanade II
25 2525 East Camelback Road
26 Phoenix, Arizona 85016-4237
Attorneys for Kirsten L. Weiss

FOREGOING filed electronically with
the United States Bankruptcy Court,
District of Arizona, this 16th day of November,

1 2010, with a COPY of the foregoing mailed
2 on the next business day to:

3 Eric Weiss
4 40721 N. Territory Trail
5 Anthem, AZ 85086
6 *Debtor*

7 Craighton T. Boates
8 Boates Law Firm, PLLC
9 42104 N. Venture Dr.
10 Suite D126
11 Anthem, AZ 85086
12 *Attorney for the Debtor*

13 Russell Brown
14 Suite 800
15 3838 North Central Avenue
16 Phoenix, AZ 85012-1965
17 *Chapter 13 Trustee*

18 Office of the U.S. Trustee
19 230 North First Avenue, Suite 204
20 Phoenix, AZ 85003
21 *U.S. Trustee*

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/s/ Erica Meany

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8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **IN AND FOR THE DISTRICT OF ARIZONA**

10
11 In re:

12 ERIC WEISS,
13 Debtor.

Case No. 2:10-bk-27248-SSC

Chapter 13 Proceedings

14 **ORDER GRANTING MOTION FOR**
15 **RELIEF FROM AUTOMATIC STAY**
16 **OF 11 U.S.C. § 362(a)**

17 The Court having reviewed the *Motion for Relief from Automatic Stay of 11 U.S.C.*
18 *§ 362(a)* filed by Kirsten L. Weiss (“Movant”), and the Motion having been properly
19 served and noticed by serving the *Notice of Filing Motion for Relief From Automatic Stay*
20 *of 11 U.S.C. § 362(a)*, which incorporated a 14-day bar date notice for the Motion, no
21 party in interest having objected to such relief, and good cause appearing;

22 **IT IS HEREBY ORDERED** granting the Motion;

23 **IT IS FURTHER ORDERED** that all stays and injunctions, including the
24 automatic stay imposed by U.S. Bankruptcy Code § 362(a) are hereby immediately
25 vacated and annulled to allow Movant to continue prosecution of her Petition for
26

1 Dissolution of Marriage against Debtor Eric Weiss (“Debtor”) currently pending in the
2 Superior Court of the State of Arizona, In and For the County of Maricopa (Case No. FC
3 2009-006649).

4 **IT IS FURTHER ORDERED** that Movant and/or her successors or assigns are
5 hereby authorized to take whatever actions Movant deems appropriate to exercise any
6 and all rights and remedies as to the relief sought in the Motion.

7 **IT IS FURTHER ORDERED** that this Order vacating and annulling the
8 automatic stay imposed by U.S. Bankruptcy Code § 362(a) shall be binding and effective
9 in the event the Debtor converts this case to another chapter under the U.S. Bankruptcy
10 Code.

11 **IT IS FURTHER ORDERED** waiving the 14-day stay provided by Rule
12 4001(a)(3), Fed.R.Bankr.P.

13 **DATED AND SIGNED ABOVE.**
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